

**U.S. Department of Labor**

Office of Administrative Law Judges  
Heritage Plaza Bldg. - Suite 530  
111 Veterans Memorial Blvd  
Metairie, LA 70005

(504) 589-6201  
(504) 589-6268 (FAX)



**Issue Date: 14 February 2005**

CASE NO.: 2005-TLC-00005

IN THE MATTER OF:

P & E PARTNERS,  
Employer

UNITED STATES DEPARTMENT OF LABOR,  
Respondent

BEFORE: Clement J. Kennington  
Administrative Law Judge

**ORDER APPROVING WITHDRAWAL**

This matter arises under the temporary agricultural labor or services provision of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(ii)(a) (hereinafter "the Act"), and its implementing regulations found at 20 C.F.R. Part 655.

An administrative review was conducted, pursuant to 20 C.F.R. § 655.112(a), in response to the appeal by Employer, P & E Partners (P & E), of the decision by a U.S. Department of Labor Certifying Officer denying P & E's application for temporary alien agricultural labor.

On December 2, 2004, the U.S. Department of Labor Employment and Training Administration (ETA) accepted for consideration an application from P & E requesting H-2A temporary alien labor certification for one job opportunity. On January 21, 2005, an ETA Certifying Officer denied certification for the job opportunity, finding that P & E had not complied with the workers' compensation

requirements specified at 20 C.F.R. § 655.102(b)(2). On January 24, 2005, P & E requested an expedited administrative review of the matter. On January 25, 2005, the undersigned received both P & E's request for review and the case file. Subsequently, conference calls were conducted with James E. Irion, Esq., and R. Peter Nessen, Esq.

The parties have advised me that this matter has been settled with P & E agreeing to purchase the requisite workers' compensation insurance, being certified, and subsequently withdrawing its request for review. Having duly considered this matter, the withdrawal request is hereby **APPROVED**.

A

CLEMENT J. KENNINGTON  
ADMINISTRATIVE LAW JUDGE